**Rule 61(1)(b)**

Form 16 Notice of intention by defendant to adduce discreditable conduct evidence

(*insert front sheet*)

### NOTICE OF INTENTION BY DEFENDANT TO ADDUCE DISCREDITABLE CONDUCT EVIDENCE

*Evidence Act 1929 s 34P(4)*

TO THE DEFENDANT: (*insert name of co-defendant*) …………………………………

AND TO THE DIRECTOR OF PUBLIC PROSECUTIONS

**Notice**

The defendant (*insert name*)*......*……………………………......… intends at trial to seek to adduce evidence of discreditable conduct of (*insert name*) ………………………......

**Particulars of evidence of conduct**

A. In respect of the first item of discreditable conduct:

A1. The nature of the discreditable conduct is ……………………………….……………………………………………

……………………………………………………………………………

A2. The witness from whom the evidence is to be led, whether in examination-in-chief or in cross-examination, is ………...…………………..........................................................................

……………………………………………………………...……………

A3. The use of the evidence said to be permissible under section 34P(2)(b) in respect of count (*identify the first count to which the evidence is said to be relevant*) is

……………………………………………………………...………………………………………………………………………………………………………………………………………………………………………

A4. The use of the evidence said to be permissible under section 34P(2)(b) in respect of count (*identify the second count to which the evidence is said to be relevant*) is

……………………………………………………………...……………

…………………………………………………………………………………………………………………………………………………………

 (*Repeat number 4 for each further count to which the evidence is said to be relevant*)

B. (*Repeat A1 to A4 for each additional item of discreditable conduct alleged*)

**Action required**

If you wish to object to the admission of the evidence of discreditable conduct proposed to be adduced by your co-defendant you must, at least 5 clear business days before the listed trial date, file in the Court and serve on all other parties to the proceeding a Notice using form 17 that sets out the grounds of your objection.

**Date**:

(*signed*) ………………………………………….…………

Defendant/Solicitor for the defendant (*delete whichever is inapplicable*)

**Note**

This Notice must be filed in the Court and served on all other parties to the proceeding at least 21 clear calendar days before the listed trial date.